THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 26281 OF 2007

DATED: 11-12-2007

Between:

R. Satyanarayana, S/o. Anjaiah
R/o.Bhongir, Nalgonda District

… Petitioner

And

The Assistant Secretary,
Regional Transport Office,
Bhongir, Nalgonda District
and two others

… Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 26281 OF 2007

ORDER:

This writ petition is filed questioning the seizure of auto bearing Regn. No.AP-24-U-4676, by the respondents.

It is the case of the petitioner that while the said vehicle was being driven from the workshop on 26-11-2007, it was seized illegally and the allegations made are false and incorrect.

However, on instructions, it is submitted by learned Government Pleader appearing for respondents that the said auto was seized as it was being plied without payment of tax as contemplated under the provisions of A.P. Motor Vehicles Taxation Act, 1963 (for short 'the Act'). It is stated that tax was not paid from the quarter ending 30-06-2006 to 31-12-2007 and an amount of Rs.8,400/- is due on account of tax. It is also stated that non-payment of tax due, as per the provisions of the Act, also attracts penalty equivalent to double the quantum of tax.

Whether the vehicle was being plied without payment of tax or not and whether it was being driven from the workshop are the matters, which are to be examined by the appropriate authority in the enquiry to be conducted.

However, as much as it is stated that there is no proof of payment of tax from the quarter ending 30-06-2006 to 31-12-2007,

I dispose of the writ petition directing the respondents to release the said vehicle, i.e. seven-seater auto bearing Regn. No.AP-24-U-4676, on payment of tax due, i.e. Rs.8,400/-, within a period of two weeks from the date of receipt of a copy of this order. Apart from the payment of the said amount on account of tax, the petitioner shall also furnish an undertaking in writing before the first respondent-authority to the effect that he will not alienate or transfer the said vehicle in favour of any third party until appropriate final orders are passed by the competent authority. The payment of tax, as referred above, will be subject to final orders to be passed by the competent authority.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 11-12-2007
Rns/MRR

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RNS